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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,932	12/04/2003	Danny D. Baumgardner		5372

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EXAMINER

WOOD, KIMBERLY T

ART UNIT PAPER NUMBER

3632

DATE MAILED: 10/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,932

Applicant(s)

BAUMGARDNER, DANNY D.

Examiner

Kimberly T. Wood

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage _____
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/4/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 3632

This is an office action for serial number 10/726,932,
entitled Portable Wrist Rest System, filed on December 4, 2003.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35
U.S.C. 112:

The specification shall conclude with one or more claims particularly
pointing out and distinctly claiming the subject matter which the applicant
regards as his invention.

Claims 1-4 rejected under 35 U.S.C. 112, second paragraph,
as being indefinite for failing to particularly point out and
distinctly claim the subject matter which applicant regards as
the invention.

Claim 1 recites the limitation "the work surface" in line
2. There is insufficient antecedent basis for this limitation
in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which
forms the basis for all obviousness rejections set forth in this
Office action:

(a) A patent may not be obtained though the invention is not identically
disclosed or described as set forth in section 102 of this title, if the
differences between the subject matter sought to be patented and the prior
art are such that the subject matter as a whole would have been obvious at
the time the invention was made to a person having ordinary skill in the
art to which said subject matter pertains. Patentability shall not be
negated by the manner in which the invention was made.

Art Unit: 3632

Claims 1-3 and 5-7 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Ashline 5,925,007 in view of McInnery 2,763,264. Ashline discloses a first support member (12), a second support member being a perforated arm pad(38), a flexible wrist strap (44), the first support member density being greater than the density of the second support member. Ashline discloses all of the limitations of the claimed invention except for the pliable covering. McInnery discloses a first support member (1)), a second support member (2), and a pliable covering (3) having slots for the straps (16). It would have been obvious to one having ordinary skill in the art to have modified Ashline to have included the cover as taught by McInnery for the purpose protecting the system from wear and adding additional cushioning. It would have been an obvious matter of design choice to have made the width of 1 ½ inches , the length of 3 inches, and the height of ½ inches, since such a modification would have involved a mere change in the shape or size of a component. A change in shape is generally recognized as being within the level of ordinary skill in the art since the

Ashline reference provides a system that is for being the hand and wrist in alignment when engaged in repetitive and continual activity when using a computer mouse. The applicant has not positively claimed that the covering has a cover therefore the

Art Unit: 3632

covering could come in a variety of colors since the limitation has not been positively claimed.

Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ashline 5,925,007 in view of McInnerny 2,763,264 in further view of Landy 5,725,189. Ashline in view of McInnerny discloses all of the limitations of the claimed invention except for the covering having a color and the support member being foam. Landy discloses a system having a first support member (210), a second support member (210) being foam, a covering (210, column 4, lines 16ff), and straps. It would have been obvious to one having ordinary skill in the art to have modified Ashline in view of McInnerny to have made the covering of a variety of colors as taught by Landy for the aesthetic purposes. The examiner suggests that the limitation "can come in a variety of colors" is not a positively claimed limitation. It should be deleted and the applicant should positively claim the covering having a color. It would have been obvious to one having ordinary skill in the art to have modified Ashline in view of McInnerny to have the second member being of foam as taught by Landy for the purpose of providing a padding that is comfortable to the user therefore preventing injury, stress, or strain since it is well known that pads are made of foam.

Art Unit: 3632

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The prior art discloses conventional wrist rest supports and

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly T. Wood whose telephone number is 703-308-0539. The examiner can normally be reached on Monday-Thursday 7:30am to 5:00pm.

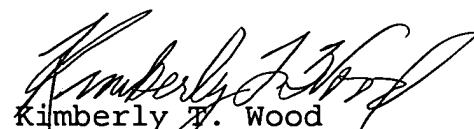
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/726,932

Page 6

Art Unit: 3632


Kimberly T. Wood
Primary Examiner
Art Unit 3632

September 27, 2004
